

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ETTI BITON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-968-SLP
)	
JEFFREY JACKSON,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff’s Motion for Default Judgment [Doc. No. 13] filed by counsel for Plaintiff, Ge’Andra Johnson, prior to her withdrawal from representation.¹ Additionally, pursuant to the Court’s Order to file a supplemental affidavit providing details on her computation of damages, [Doc. No. 14], Plaintiff filed, pro se, a supplemental “Affidavit in Support of Damages Calculation Under Form I-864” [Doc. No. 16].

Pursuant to Federal Rule of Civil Procedure 55(b)(1), the Court may enter default judgment on a claim “for a sum certain or a sum that can be made certain by computation” on “the plaintiff’s request, with an affidavit showing the amount due[.]” In its current form, Plaintiff’s supplemental “Affidavit” [Doc. No. 16] is not sworn, signed, or notarized, nor does it qualify as an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746.²


¹ Plaintiff filed a letter expressing her intent to proceed pro se and requesting that counsel withdraw from representation. *See* [Doc. Nos. 18, 20]. Counsel has subsequently withdrawn, *see* [Doc. Nos. 19, 20], and Plaintiff proceeds pro se.

² “[P]arties [may] submit unsworn declarations in lieu of affidavits, provided that the declarations” comply with the requirements set forth in 28 U.S.C. § 1746. *Vazirabadi v. Denver Health & Hosp. Auth.*, 782 F. App’x 681, 687 (10th Cir. 2019).

Accordingly, Plaintiff must resubmit her Affidavit [Doc. No. 16] either sworn, signed, and notarized, or as a declaration “under penalty of perjury” in compliance with § 1746. Plaintiff need not resubmit the exhibits to her Affidavit. [Doc. Nos. 16-1–16-9].

IT IS THEREFORE ORDERED that within 21 days from the date of this Order, Plaintiff shall resubmit a copy of her Affidavit that is either: (1) sworn, signed, and notarized; or (2) signed “under penalty of perjury” in compliance with 28 U.S.C. § 1746. Plaintiff is cautioned that failure to comply with this Order may result in her Motion being denied.

IT IS SO ORDERED this 2nd day of January, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE